

Appl. No. 10/796,449

#### REMARKS

Claims 4-6 are pending in this application.

Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,253,193 to Ginter et al. ("Ginter") in view of U.S. Patent No. 6,424,949 to Deaton et al. ("Deaton"). Applicants respectfully traverse the § 103(a) rejection with respect to Claims 4-6.

Claims 4-6 describe an information processing apparatus and method which include, among other things, features for receiving encrypted content, a usage control policy, and a price tag. The usage control policy includes a plurality of usage contents each of which defines a predefined way the content is used. The price tag includes a plurality of prices each of which corresponds to one of the predefined ways the content is used included in the usage control policy. As a result, the prices are associated with ways of using the content.

Ginter relates to systems and methods for secure transaction management and electronic rights protection. More specifically, Ginter discloses a virtual distribution environment (VDE) that secures, administers and audits electronic information use (see col. 2, lines 24-27). The VDE uses bitmap meters to record usage and/or purchase of information. This information is then used as part of pricing and/or control strategies of a content provider (see col. 24, lines 30-56). However, pricing is based on the quantity or nature of the content, not on ways of using the content (see col. 22, lines 47-67).

Deaton relates to a method and system for processing and developing a customer data base of customer information, such as credit verification status and transaction frequency, that can be used for credit verification, targeted customer marketing and other customer relations purposes (see col. 1, lines 57-63). The reference teaches using a customer's financial instrument account number (check, credit card, debit card, or the like) as a unique customer identification number. In this manner, the system reduces the time necessary for checking additional customer identification. Deaton also teaches providing automatic targeting of individual customers based on their shopping history, thus, enabling generation of coupons or other incentives which are specifically targeted to a specific customer based on his or her prior history (see col. 7, lines 31-35). However, Deaton does not teach prices being associated with ways of using purchased items.

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Claims 4-6 call for features for receiving encrypted content, a usage control policy including a plurality of usage contents each of which defines a predefined way the content is used, and a price tag including a plurality of prices each of which corresponds to the predefined way. These features of the present invention as described in Claims 4-6 are not disclosed or suggested in either of the cited references, alone or in combination. For at least these reasons, Claims 4-6 are allowable over Ginter in view of Deaton, even if properly combinable.

In light of the above, Applicants respectfully submit that Claims 4-6 are patentable over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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